THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.1391 of 2007

Dated:08.03.2007

Between:

G. Mallaiah.

…PETITIONER

and

The District Panchayat Officer, Karimnagar, and others.

…RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.1391 of 2007

ORDER:

The petitioner contested for office of Member of Mandal Parishad Territorial Constituency (MPTC), Kondapaka Gram Panchayat, Veenavanka Mandal, Karimnagar District. Fifth respondent was also one of the contestants, who got elected in the election. The petitioner alleges that fifth respondent incurs disqualification under Section 19(3) of the Andhra Pradesh Panchayat Raj Act, 1994 (the Act, for brevity) as he has three children. Though this was brought to the notice of the election authorities, fifth respondent was not disqualified by the respondents. Therefore, the petitioner filed instant writ petition seeking a writ of Mandamus declaring the election of fifth respondent as MPTC Member, Kondapaka Gram Panchayat as void and nonest in the eye of Law.

Article 243-O of the Constitution of India and Section 233 of the Act in clear term prohibit an enquiry to any Gram Panchayat elections except by an election petition presented to duly constituted authority i.e., Election Tribunal. Therefore, this writ petition is wholly misconceived. Further, if any person is disqualified for being elected or continued as Member of MPTC, Section 22 of the Act lays down procedure to deal with such situations. The petitioner, therefore, may pursue the matter to first respondent by making a representation. In this writ petition, no relief can be granted.

The writ petition is accordingly dismissed. No costs.

(V.V.S.RAO, J)

08th March, 2007
ghn